

REMARKS

By this submission amendments are submitted for entry for previously pending claims 15-19. Claims 1-6, 9, 13-14 and 20-21 remain canceled without prejudice as to their reintroduction in this or another application claiming priority to the earliest date permitted by law. Accordingly, previously pending claims 7, 8, 10-12 and 15-19 remain pending. No new matter is introduced by the submitted amendments.

Also now submitted is a Terminal Disclaimer.

It is requested in view of now submitted claim amendments, and the following discussions that all objections and rejections reported in the outstanding Office action be reconsidered and not repeated in any further action issued for this application.

Claim Objections

Claim 15 is objected to because of an informality now corrected in line 6 by replacing the word “handler” with “handle.” This amendment overcomes the reported objection.

Claim Rejections – 35 USC §112

Claims 15-19 are reported rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention.

Amendments for claims 15-19 now are submitted to more clearly point out and distinctly claim subject matter regarded as the invention, and, thereby, address and overcome the rejections. As a first matter all of claims 15-19 are amended to provide a preamble recitation for a “catheter handle assembly.” Independent claim 15 further is amended to positively include limitations for a “catheter handle”, “catheter”, “rotatable coupling”, “handle clamping member”

and “device.” Dependent claims 16-19 also are amended to conform their recitations to those of amended independent claim 15.

It is submitted that the now filed amendments overcome the reported 35 USC §112, second paragraph, rejections. These amendments are intended to be in substantive conformity with the Examiner’s suggestions set out in the action.

Double Patenting

Claims 7, 8, 11, 12, 15, 18 and 19 are reported rejected in the action on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7-10 of U.S. Patent No. 6,676,659 (hereinafter “‘659”). Further, claim 10 is reported rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 7 of the ‘659 patent in view of US Patent No. 5,327,905 (hereinafter “‘905”). These rejections are submitted as being overcome in view of the herewith filed Terminal Disclaimer.

The outstanding action reports that the acceptance of the terminal disclaimer filed on October 25, 2006 has been revoked “because an attorney or agent, not of record, signed the terminal disclaimer.” This refusal to accept is traversed.

The October 25, 2006 filed Terminal Disclaimer document was signed by a registered attorney in his capacity as being “empowered to act on behalf of the” owner of this application - Scimed Life Systems, Inc. The filed Terminal Disclaimer document does not state or imply that the person who signed it was in any way acting as an attorney of record. (Please see that the box associated with identification of a signatory acting as an attorney of record was not marked.) Further, the execution of the filed Terminal Disclaimer document explicitly included certification as authorized in 37 CFR §10.18(b)(1) to confirm that all statements made in the October 25, 2006 filed Terminal Disclaimer document are true, including the statement that the person who signed is empowered to act on behalf of the owner.

To advance prosecution here, another contemporaneously dated Terminal Disclaimer document signed by the same person who signed the October 25, 2006 filed document is

submitted along with an executed Statement Under 37 CFR §3.73(b) and a true and complete copy of a Limited Authorization To Act On Behalf of Assignee Regarding Certain Patent Matters Effective Through: December 31, 2007 (hereinafter "Authorization") that is signed by an officer of the assignee of the entire right, title and interest in this application. This Authorization lists William J. Shaw (Reg. No. 43,111) as being authorized to act on behalf of Scimed Life Systems, Inc. with regard to any matters before the United States Patent and Trademark Office. Mr. Shaw signed both the October 25, 2006 filed Terminal Disclaimer and the now filed Terminal Disclaimer. This grant of power to Mr. Shaw in no way is premised on Mr. Shaw being or not being an attorney of record, but instead is premised on a grant empowering him to act on behalf of the owner. For the record, the now submitted Statement Under 37 CFR §3.73(b) reports the recordation information associated with Scimed Life Systems, Inc's. being assigned ownership of all right, title and interest in this application.

It further is noted for the record of this application that the filing of a terminal disclaimer to overcome rejections based on non-statutory double patenting is not an admission that the rejections were proper. See *Quad Environmental Technologies Corp. v. Union Sanitary District*, 20 USPQ2d 1392, 1394-95 (Fed. Cir. 1991). The Federal Circuit there stated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Thus, submission of a terminal disclaimer is not an admission that any of the pending claims are obvious over any claims of the '659 patent whether or not in further view of the '905 patent.

Accordingly, it is submitted that reported double patenting rejections are overcome.

Conclusion

It is believed, in light of the above discussions, filed submissions and amended claims, that all pending claims now are in condition for allowance and a notice of the same is requested. Should the Examiner have any questions, requests or suggestions, he is invited to contact the undersigned attorney at the telephone number set out below.

Dated: July 20, 2007

Respectfully submitted,

By 
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REGARDING CERTAIN PATENT MATTERS
EFFECTIVE THROUGH: December 31, 2007

(Foreign)

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Lawrence J. Knopf, Vice President and Assistant General Counsel

Date

1/8/2007

COMMONWEALTH OF MASSACHUSETTS

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) ss.
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COUNTY OF MIDDLESEX

On this 8th day of January, 2007 before me personally appeared Lawrence J. Knopf to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes set forth herein.

Nona E. Hurd
Notary Public

Nona E. Hurd
NOTARY PUBLIC

My commission expires Sept 18, 2009

[k:\Limited Authorizations\2007]